REMARKS

The Office Action dated July 14, 2008 has been received and carefully noted. The following remarks are submitted as a full and complete response thereto.

Claims 1-8, 10-12, 14, 22-23, 25, 31, and 34 have been amended to more particularly point out and distinctly claim the subject matter of the invention. Claims 13, 15-19, 24, 27-30, and 32-33 have been cancelled without prejudice or disclaimer. New claims 35-62 have been added. No new matter has been added and no new issues are raised which require further consideration or search. Therefore, claims 1-12, 14, 20-23, 25-26, 31, and 34-62 are currently pending in the application and are respectfully submitted for consideration.

In view of the following remarks, Applicants respectfully request reconsideration and timely withdrawal of the pending rejections to the claims for the reasons discussed below.

Claim Rejections under 35 U.S.C. §103(a)

Claims 1-24 and 26-34

The Office Action rejected claims 1-24 and 26-34 under 35 U.S.C. §103(a) as being allegedly unpatentable as obvious over Rasanen, *et al.* (PCT Publication No. WO 00/44189) ("Rasanen") in view of Haumont (PCT Publication No. WO 00/10357) ("Haumont"). The Office Action took the position that Rasanen discloses all the elements of the claims with the exception of "traffic flow control policy." The Office

Action then cited Haumont as allegedly curing the deficiencies of Rasanen. (See e.g. Office Action at page 2). The rejection is respectfully traversed for at least the following reasons.

Claim 1, upon which claims 2-12, 14, 20-23, 48, and 50-51 are dependent, recites a method, which includes determining a type of an access network via which a service is to be provided, and enforcing at the gateway in the provisioning of said service via said access network a traffic flow control policy decided on the basis of information regarding the type of the access network.

Claim 26 recites a communication system, which includes different access networks, and a gateway configured to communicate with entities associated with the different access networks. The system further includes an access network type determination processor configured to determine a type of an access network of the different access networks, and a decision making processor configured to decide a traffic flow control policy to apply to communications via the gateway based on information of the type of the access network. The communication system is configured to control communications based on decisions by the decision making processor.

Claim 31, upon which claims 35-47, 49, and 52-53 are dependent, recites an apparatus, which includes an access network type determining processor configured to determine a type of an access network via which a service is to be provided, and an enforcing processor configured to enforce at a gateway in the provisioning of said service

via said access network a traffic flow control policy decided on the basis of information of the type of the access network.

Claim 34 recites an apparatus, which includes access network type determining means for determining a type of an access network via which a service is to be provided, and enforcing means for enforcing at a gateway in the provisioning of said service via said access network a traffic flow control policy decided on the basis of information regarding the type of the access network.

Claim 54, upon which claims 55-57 are dependent, recites a method, which includes making at a policy control entity a traffic flow control policy decision using as one decision criteria a type of an access network via which a service is to be provided, and sending to a gateway from said policy control entity a message indicating said traffic flow control policy decision.

Claim 58, upon which claims 59-61 are dependent, recites an apparatus, which includes a decision making processor configured to make at a policy control entity a traffic flow control policy decision using as one decision criteria a type of an access network via which a service is to be provided, and a transmitter configured to send to a gateway from said policy control entity a message indicating said traffic flow control policy decision.

Claim 62 recites an apparatus, which includes decision making means for making at a policy control entity a traffic flow control policy decision using as one decision criteria a type of an access network via which a service is to be provided, and sending

means for sending to a gateway from said policy control entity a message indicating said traffic flow control policy decision.

As will be discussed below, the combination of Rasanen and Haumont fails to disclose or suggest all of the elements of the claims, and therefore fails to provide the features discussed above.

Rasanen generally discloses a method of interworking between different radio access networks (RAN-A and RAN-B). In the method of Rasanen, a radio transceiver device capable of operating with the first radio access network (RAN-A) and the second radio access network (RAN-B) are attached to RAN-A. The method of Rasanen comprises the steps of detecting a service request, accessing information on conditions for RAN-A and RAN-B for giving sufficient support for a service requested by the service request, analyzing whether or not RAN-A and RAN-B meet the conditions, and initiating a handover of the radio transceiver device from RAN-A to RAN-B if RAN-B meets the conditions but RAN-A does not. (See Rasanen at Abstract.)

Haumont generally discloses a method for transmitting data packets in multiple data flows to/from a mobile station in a mobile communication system. A data transmission path is formed for routing data packets. Multiple profiles are associated with the data transmission path, each profile including at least one quality of service parameter. Each flow or data packet is provided with a profile tag indicating one of the multiple profiles. Scheduling and policing the transmission of individual data packets is

based on at least one quality of service parameter of the profile indicated by the profile tag associated with the data flow in question. (See Haumont at Abstract).

Applicants respectfully submit that Rasanen and Haumont, whether considered individually or in combination, fails to disclose, teach, or suggest, all of the elements of the present claims. For example, the combination of Rasanen and Haumont fails to disclose, teach, or suggest, at least, "*enforcing at the gateway in the provisioning of said service via said access network a traffic flow control policy decided on the basis of information regarding the type of the access network*," as recited in independent claim 1, and similarly recited in independent claims 31, and 33-34; "*a decision making processor configured to decide a traffic flow control policy to apply to communications via the gateway based on information of the type of the access network*," as recited in independent claim 26; and "*making at a policy control entity a traffic flow control policy decision using as one decision criteria a type of an access network via which a service is to be provided*," as recited in independent claim 54, and similarly recited in independent claims 58 and 62.

In the "Response to Amendment" section, the Office Action took the position that Rasanen teaches deciding policy to apply to communications via the gateway based on information regarding the type of the access gateway, but that Rasanen fails to explicitly teach a traffic flow control policy. (See Office Action at page 12). Thus, it appears that the Office Action has maintained its position that Rasanen teaches a "policy," but correctly concludes that Rasanen fails to teach a "traffic flow control policy."

However, in the Response filed on December 18, 2007, Applicants did not merely argue that Rasanen fails to disclose, or suggest, deciding a "traffic flow control policy," but that Rasanen also fails to disclose, or suggest, deciding a "policy" of any kind. Instead, Applicants specifically submitted that Rasanen merely discloses a technique of deciding which one of a plurality of networks to use for a requested level of service. Specifically, as described in the Response filed on December 18, 2007, the cited section of Rasanen discloses performing a handover from a first access network to a second access network in the event that: (1) the first access network does not support the service requested by the user; or (2) the first access network does not support the requested service as well as the second network. (See Rasanen at column 12, line 16 – column 14, line 24). The mere decision of which network to use is not a policy decision because no decision is made regarding the level of service to be provided based on information of the network via which the service is to be provided. Thus, Rasanen fails to disclose, or suggest, the aforementioned limitations of independent claims 1, 26, 31, 34, 54, 58, and 62.

Furthermore, Haumont does not cure the deficiencies of Rasanen. Haumont discloses that in connection with PDP context activation, a mobile station activates more than one quality of service profile within the PDP context. Thus, a single profile for the PDP context is replaced with multiple profiles, one for each application, application type, or data flow, or aggregate for several flows. Alternatively, there is a hybrid profile, including one MS-related profile and several application-related flow profiles.

Transmitted packets are equipped with a profile tag or profile indicator indicating which profile the packet relates to. (See Haumont at col. 10, line 22 – col. 11, line 4).

Thus, Haumont merely discloses different PDP context profiles based either on a mobile station, or based on an application, and fails to disclose a PDP context profile based on a type of network. Thus, Haumont fails to disclose, or suggest, "*enforcing at the gateway in the provisioning of said service via said access network a traffic flow control policy decided on the basis of information regarding the type of the access network*," as recited in independent claim 1, and similarly recited in independent claims 31, and 33-34; "*a decision making processor configured to decide a traffic flow control policy to apply to communications via the gateway based on information of the type of the access network*," as recited in independent claim 26; and "*making at a policy control entity a traffic flow control policy decision using as one decision criteria a type of an access network via which a service is to be provided*," as recited in independent claim 54, and similarly recited in independent claims 58 and 62.

Therefore, for at least the reasons discussed above, the combination of Rasanen and Haumont fails to disclose, teach, or suggest, all of the elements of independent claims 1, 26, 31, 34, 54, 58, and 62.

Additionally, the Office Action took the position that it would have been obvious to one of ordinary skill in the art at the time of the invention to add the "traffic flow control" policy of Haumont in place of the policy of Rasanen in order to process multiple flows of data. (See e.g. Office Action at pages 2-3). However, this alleged motivation to

combine the references of Rasanen and Haumont is based on the incorrect assertion that Rasanen discloses a policy. As discussed above, Applicants respectfully submit that Rasanen fails to disclose, or suggest, a policy of any kind. Thus, Applicants respectfully submit that the Office Action has failed to establish that it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the reference of Rasanen, based on the reference of Haumont.

For the reasons stated above, Applicants respectfully request that this rejection be withdrawn.

Claims 2-12, 14, 20-23, 48, and 50-51 depend upon independent claim 1. Claims 35-47, 49, 52-53 depends upon independent claim 31. Claims 55-57 depend upon independent claim 54. Claims 59-61 depend upon independent claim 58. Thus, Applicants respectfully submit that claims 2-12, 14, 20-23, 35-47, 48, 48, 50-51, 52-53, 55-57, and 59-61 should be allowed for at least their dependence upon independent claims 1, 31, 54, and 58, respectively, and for the specific elements recited therein.

Claim 25

The Office Action rejected claim 25 under 35 U.S.C. §103(a) as being allegedly unpatentable as obvious over Rasanen in view of Haumont, and further in view of Lyer (U.S. Patent No. 6,295,450) ("Lyer"). The Office Action took the position that Rasanen discloses all the elements of the claims with the exception of "traffic flow control policy" and "computer program embodied on a computer readable medium." The Office Action

then cited Haumont and Lyer as allegedly curing the deficiencies of Rasanen. The rejection is respectfully traversed for at least the following reasons.

Claim 25 recites a computer program embodied on a computer readable medium, the computer program configured to control a processor to decide a traffic flow control policy for controlling communications in a communication system. The traffic flow control policy includes determining a type of an access network via which a service is to be provided, and enforcing at a gateway in the provisioning of said service via said access network a traffic flow control policy decided on the basis of information regarding the type of the access network.

As will be discussed below, the combination of Rasanen, Haumont, and Lyer fails to disclose or suggest all of the elements of the claims, and therefore fails to provide the features discussed above.

The descriptions of Rasanen and Haumont, as described above, are incorporated herein. Lyer generally discloses a method and apparatus for transferring communication within a communication system. During communication with a serving base station, a handover candidate list is provided to a remote unit. The list includes a set of neighboring base stations that are capable of supporting the service requirements of the remote unit, and does not include any neighboring base station that is incapable of supporting the current service required by the remote unit. (See Lyer at Abstract).

Applicants respectfully submit that Rasanen, Haumont, and Lyer, whether considered individually or in combination, fail to disclose, teach, or suggest, all of the

elements of the present claims. For example, the combination of Rasanen, Haumont, and Lyer fails to disclose, teach, or suggest, at least, "*enforcing at a gateway in the provisioning of said service via said access network a traffic flow control policy decided on the basis of information regarding the type of the access network*," as recited in independent claim 25.

While each of the present claims have their own scope, Applicants respectfully submit that Rasanen and Haumont, whether considered individually or in combination, fail to disclose, or suggest, *enforcing at a gateway in the provisioning of said service via said access network a traffic flow control policy decided on the basis of information regarding the type of the access network*," as recited in independent claim 25, for similar reasons, discussed above, as to why Rasanen and Haumont fail to disclose, or suggest, "*enforcing at the gateway in the provisioning of said service via said access network a traffic flow control policy decided on the basis of information regarding the type of the access network*," as recited in independent claim 1.

Furthermore, Lyer does not cure the deficiencies of Rasanen and Haumont. Lyer merely discloses that a GSM system includes a number of network elements, such as a base transceiver station, neighboring base stations, a base station controller, and a mobile switching centre. Lyer further discloses that the network elements are configured in processors, memories, instruction sets, etc. (See Lyer at col. 3, lines 34-54). Lyer fails to disclose, or suggest, deciding a traffic flow control policy. Therefore, for at least the reasons discussed above, the combination of Rasanen, Haumont, and Lyer fails to

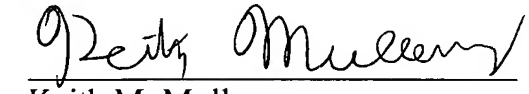
disclose, teach, or suggest, all of the elements of independent claim 25. For the reasons stated above, Applicants respectfully request that this rejection be withdrawn.

For at least the reasons discussed above, Applicants respectfully submit that the cited prior art references fails to disclose or suggest all of the elements of the claimed invention. These distinctions are more than sufficient to render the claimed invention unanticipated and unobvious. It is therefore respectfully requested that all of claims 1-12, 14, 20-23, 25-26, 31, and 34-62 be allowed, and this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicants' undersigned representative at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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